

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC #:
DATE FILED: <u>1/12/2024</u>

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 TANG CAPITAL PARTNERS, LP., :
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 Plaintiff, : 22-CV-3476 (RWL)
 :
 - against - :
 :
 BRC Inc., :
 Defendant. :
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ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the parties' dispute concerning Tang's request to depose a BRC corporate representative pursuant to Fed. R. Civ. P. 30(b)(6). (See Dkt. 131, 132.) The Court agrees that Tang could have asked earlier in December to reserve a date for the BRC witness in the event Tang made the decision it needed to take the deposition. But as reflected in BRC's letter (Dkt. 132), as recently as December 1, 2023, BRC recognized that BRC would be designating a 30(b)(6) witness. And, despite Tang's apparent obstinance to an extension of discovery when asked by BRC in November, the Court finds, in its discretion, that Tang should be able to proceed with the deposition. Accordingly, Tang's request is granted to the extent it may depose a BRC 30(b)(6) witness. The deposition shall take place at the earliest mutually convenient date.

The Clerk of Court is respectfully requested to terminate the letter motion at Dkt. 131.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: January 12, 2024
New York, New York